

# United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Martin C. Ashman	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	99 C 2569	DATE	6/19/2002
CASE TITLE	USA vs. Edwin D. Lawlor, III		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

## MOTION:

## DOCKET ENTRY:

- (1) ☐ Filed motion of [ use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due \_\_\_\_\_.
- (3) ☐ Answer brief to motion due \_\_\_\_\_. Reply to answer brief due \_\_\_\_\_.
- (4) ☐ Ruling/Hearing on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (7) ☐ Trial[set for/re-set for] on \_\_\_\_\_ at \_\_\_\_\_.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to \_\_\_\_\_ at \_\_\_\_\_.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]  
☐ FRCP4(m) ☐ General Rule 21 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Report and recommendation recommending that plaintiff's motion for entry of order of garnishment be granted is hereby entered of record.

- (11) ☒ [For further detail see order attached to the original minute order.]

<input type="checkbox"/>	No notices required, advised in open court.	<div style="text-align: center;"> U.S. DISTRICT COURT CLERK 02 JUN 19 PM 4:57 FILED IN central Clerk's Office </div>	2	Document Number  14
<input type="checkbox"/>	No notices required.		number of notices	
<input checked="" type="checkbox"/>	Notices mailed by judge's staff.		JUN 21 2002	
<input type="checkbox"/>	Notified counsel by telephone.		date docketed	
<input type="checkbox"/>	Docketing to mail notices.		ASR	
<input type="checkbox"/>	Mail AO 450 form.		6/19/2002	date mailed notice
<input type="checkbox"/>	Copy to judge/magistrate judge.	IS	mailing deputy initials	
IS	courtroom deputy's initials			

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**UNITED STATES OF AMERICA,**

Plaintiff,

v.

**EDWIN D. LAWLOR, III,**

Defendant,

and

**AMERICAN FEDERATION OF STATE,  
COUNTY & MUNICIPAL EMPLOYEES,  
AFL-CIO,**

Garnishee.

Case No. 99 C 2569

Magistrate Judge  
Martin C. Ashman

**DOCKETED**  
JUN 21 2002

**REPORT AND RECOMMENDATION**

On August 13, 1999, this Court entered a judgment by default against Lawlor and in favor of the United States. A writ of continuing garnishment directed to the American Federation of State, County & Municipal Employees, AFL-CIO ("AFSCME"), was issued on the judgment on July 31, 2001, and served on AFSCME on August 20, 2001. Pursuant to the writ of continuing garnishment, AFSCME answered that it had under its possession and control wages belonging to Lawlor. On August 15, 2001, Lawlor was notified of his right to a hearing and his right to object to the answer of AFSCME; however, Lawlor neither requested a hearing nor objected to the answer of AFSCME within the time provided by law.

On June 5, 2002, the United States filed a Motion for Entry of an Order of Garnishment and served Lawlor with a copy of the same. The United States indicated that Lawlor's

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outstanding balance as of May 16, 2002, was \$35,528.24. On June 18, 2002, the United States presented its motion to this Court in the absence of Lawlor, who failed to appear. After review, this Court recommends the entry of an order of garnishment, as per the United States's request, directing AFSCME to pay to the United States a sum equal to twenty-five percent of Lawlor's disposable earnings since August 20, 2001, less the amount withheld during that period for the garnishment/withholding of the Illinois Student Assistance Commission, and directing AFSCME to continue the payments for each pay period until the debt to the United States is paid in full, or until AFSCME no longer has custody, possession, or control of any wages belonging to Lawlor, or until further order of the court.

A handwritten signature in black ink, appearing to read "Martin C. Ashman", is written over a horizontal line.

**MARTIN C. ASHMAN**

United States Magistrate Judge

**Dated:** June 19, 2002.

Written objections to any finding of fact, conclusion of law, or the recommendation for disposition of this matter must be filed with the Clerk of the Court within ten (10) days after service of this Report and Recommendation. *See* Fed. R. Civ. P. 72(b). Failure to object will constitute a waiver of objections on appeal.

Copies have been mailed to:

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Attorney for Plaintiff

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*Pro Se* Defendant